

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|-------------------------------------|
| JESSICA RAMSAY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 19-2002 |
| v. |) | |
| |) | Judge: Hon. J. Curtis Joyner |
| NATIONAL BOARD OF MEDICAL EXAMINERS, |) | |
| |) | |
| Defendant. |) | |

**JOINT PROPOSED BRIEFING SCHEDULE FOR PLAINTIFF’S PRELIMINARY
INJUNCTION MOTION AND PROPOSED RULE 26(F) DISCOVERY PLAN**

The parties having conferred pursuant to Fed. R. Civ. P. 26(f), and having also discussed a briefing schedule for Plaintiff’s pending preliminary injunction motion (ECF No. 7), hereby propose the following schedule and Discovery Plan:

1. Preliminary Injunction Briefing and Discovery Schedule

- a. Defendant’s Opposition Brief:** August 30, 2019
- b. Plaintiff’s Reply Brief:** September 13, 2019
- c. Discovery Completion Date:** Discovery relating to plaintiff’s preliminary injunction motion to begin immediately and to be completed by November 15, 2019, or such other date as may be required to allow completion of such discovery prior to the date set by the Court for the preliminary injunction hearing.

The parties propose to take limited discovery in advance of a hearing on Plaintiff’s preliminary injunction motion, consisting of the production by Defendant of any reports or recommendations by internal or external professionals who reviewed the Plaintiff’s request for

testing accommodations on the United States Medical Licensing Examination (USMLE); the production by Plaintiff and various third-parties of medical, academic, and testing records relating to Plaintiff and the impairment(s) upon which she relies in asserting that she is disabled within the meaning of the Americans with Disabilities Act (ADA) and Rehabilitation Act (RA) and entitled to testing accommodations when she takes the USMLE Step 1 examination; the deposition by Plaintiff of Catherine Farmer, Psy.D., Director of Disability Services for Defendant, the deposition by Plaintiff of any individuals who served as internal or external reviewers on Plaintiff's request for testing accommodations on the USMLE Step 1 examination; the deposition by Defendant of Dr. Robert Smith, the professional whose diagnoses Plaintiff relies upon in support of her request for accommodations on the Step 1 exam; and perhaps the deposition by Defendant of one or more of the additional healthcare professionals who she referenced in seeking accommodations. The enumeration in this paragraph of potential discovery items is without prejudice to the right of either party to request additional items, to object to the enumerated items, or to object to additional items.

d. Hearing on Plaintiff's Preliminary Injunction Motion: To be discussed at the conference on August 6, 2019.

2. Initial Disclosures

To be exchanged by August 20, 2019.

3. Areas in Which Discovery May be Needed on the Merits

The parties anticipate that additional discovery may be needed regarding the factual underpinnings of Plaintiff's claims, and the Defendant's defenses but have agreed to defer discussion of this issue until after the Plaintiff's motion for a preliminary injunction has been decided by the Court.

4. Electronically Stored Information

The parties have agreed to produce all electronically stored information that is produced in discovery, including email communications, in PDF format with searchable text.

5. Privilege and/or Work Product Issues

None currently.

6. Changes to Limitations on Discovery Imposed by Court Rules

The parties agree at this time to abide by the discovery limitations imposed by the Federal Rules of Civil Procedure and this Court's Local Rules.

7. Proposal to Defer Schedule for Additional Discovery, Expert Reports, Dispositive Motions, and Trial

The parties propose to defer any further scheduling in the case until after the Court has ruled upon the Plaintiff's motion for a preliminary injunction.

Dated: August 5, 2019

Respectfully submitted,

/s/ Lawrence D. Berger

Lawrence D. Berger
Reisman Carolla Gran & Zuba, LLP
19 Chestnut Street
Haddonfield, NJ 08033
856-354-0021
Fax: 856-873-5640
Email: Larry@rcglawoffices.com

Mary Vargas
(pro hac vice application pending)
Stein & Vargas LLP
10 G Street, N.E., Suite 600
Washington, D.C. 20002
Phone: 202-248-5092
Mary.vargas@steinvargas.com

Counsel for Plaintiff

/s/ Nancy L. Goldstein

Nancy L. Goldstein (Pa. Bar No. 40019)
Hamburg & Golden, P.C.
1601 Market Street, Suite 3310
Philadelphia, PA 19103-1443
Phone: 215-255-8590
Facsimile: 215-255-8583
goldsteinnl@hamburg-golden.com

Robert A. Burgoyne
(admitted pro hac vice)
Perkins Coie LLP
700 Thirteenth Street, N.W. Suite 600
Washington, D.C. 20005-3960
Phone: 202-654-1744
RBurgoyne@perkinscoie.com

Counsel for Defendant